

OPINION
55-43

April 4, 1955 (OPINION)

COURTS

RE: Appeals, Filing Fees

This office acknowledges receipt of your letter of March 31, 1955, asking our legal opinion relative to the interpretation of section 11-1143 of the North Dakota Revised Code of 1943, dealing with an appeal from the board of county commissioners to the district court.

Your question is as to whether the clerk of the district court shall collect a filing fee for this action.

It is the opinion of this office that when anyone appeals from any decision of the board of county commissioners to the district court that such appeal becomes a trial de novo and takes on all the elements of an action started in district court.

It is, therefore, our opinion that the clerk would be entitled to charge seven dollars and fifty cents the same as in any other action started in district court.

LESLIE R. BURGUM

Attorney General